

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,	§	
Plaintiff,	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	
COMMSCOPE HOLDING COMPANY,	§	
INC., COMMSCOPE INC., ARRIS	§	
INTERNATIONAL LIMITED, ARRIS	§	
GLOBAL LTD., ARRIS US HOLDINGS,	§	Civil Action 2:21-cv-310-JRG
INC., ARRIS SOLUTIONS, INC., ARRIS	§	(Lead Case)
TECHNOLOGY, INC., and ARRIS	§	
ENTERPRISES, LLC,	§	
	§	
NOKIA CORP., NOKIA SOLUTIONS	§	
AND NETWORKS OY, and NOKIA OF	§	Civil Action No. 2:21-cv-309-JRG
AMERICA CORP.	§	(Member Case)
	§	
Defendants.	§	

**PLAINTIFF TQ DELTA, LLC'S RESPONSE TO
DEFENDANT NOKIA CORPORATION AND NOKIA SOLUTIONS
AND NETWORK OY'S MOTION TO DISMISS
UNDER RULE 12(b)(6) FOR FAILURE TO PLEAD COMPLIANCE WITH THE
ACTUAL NOTICE AND MARKING REQUIREMENTS OF 35 U.S.C. 287(a)**

The Court should deny Nokia Corporation and Nokia Solutions and Network Oy's Motion to Dismiss Under Rule 12(b)(6) for Failure to Plead Compliance with the Actual Notice and Marking Requirements of 35 U.S.C. § 287(a), (Dkt. 44) ("Motion"). Nokia Corporation and Nokia Solutions and Network Oy's Motion is the same Motion as Nokia of America Corporation's Motion (-309 Case, Dkt. 20). TQ Delta has responded to that Motion, along with exhibits. *See* Dkt. 34 (Response); Dkt. 45 (Sur-Reply). TQ Delta incorporates its prior briefing and exhibits into this Response. And for the same reasons in TQ Delta's prior briefing, TQ Delta respectfully requests that the Court deny this Motion as well.

Dated: December 6, 2021

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF
TQ DELTA, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served this December 6, 2021, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ William E. Davis, III
William E. Davis, III